

House Engrossed Senate Bill

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 159

SENATE BILL 1131

AN ACT

AMENDING SECTIONS 41-2085 AND 41-2132, ARIZONA REVISED STATUTES; RELATING TO
GASOLINE VAPOR RECOVERY SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2085, Arizona Revised Statutes, is amended to
3 read:

4 41-2085. Dispensing motor fuel; hold-open latches; definition

5 A. A retail seller shall MAY equip all nozzles from which motor fuel
6 is dispensed with an operating hold-open latch.

7 B. For the purposes of this section, "hold-open latch" means a device
8 that is an integral part of the nozzle PORTION OF THE VAPOR RECOVERY SYSTEM
9 and that is specifically manufactured to dispense motor fuel without
10 requiring the consumer's physical contact with the nozzle.

11 Sec. 2. Section 41-2132, Arizona Revised Statutes, is amended to read:

12 41-2132. Stage I and stage II vapor recovery systems

13 A. A person shall not offer for sale, sell, install or use a new or
14 rebuilt gasoline vapor recovery system, or any of its NEW OR REBUILT
15 component parts OF THE SYSTEM, unless the system OR COMPONENT PART has been
16 certified by the California air resources board pursuant to California health
17 and safety code sections 41950 through 41962 in effect on January 1, 1998 and
18 is clearly identified by a permanent identification of the certified
19 manufacturer or rebuilder AS OF MARCH 31, 2001 OR AFTER THAT DATE AND HAS NOT
20 BEEN REJECTED BY THE DEPARTMENT. The department of weights and measures
21 shall maintain and keep current a list of those design and performance
22 standards for stage I and stage II vapor recovery systems certified by the
23 California air resources board AND COMPONENT PARTS THAT ARE APPROVED BY THE
24 DEPARTMENT. Only those systems so certified THAT ARE APPROVED shall be used
25 in this state. ALL CERTIFIED VAPOR RECOVERY COMPONENTS MUST BE CLEARLY
26 IDENTIFIED BY A PERMANENT IDENTIFICATION AFFIXED BY THE CERTIFIED
27 MANUFACTURER OR REBUILDER.

28 B. For gasoline dispensing sites with a throughput of over ten
29 thousand gallons per month in area A or area B as defined in section 49-541,
30 and beginning on January 1, 2001 for gasoline dispensing sites with a
31 throughput of over ten thousand gallons per month in area A but outside of
32 the Phoenix area Maricopa county ozone nonattainment area as prescribed in
33 40 Code of Federal Regulations section 81.303, a person shall not transfer
34 or allow the transfer of gasoline into storage tanks at gasoline dispensing
35 sites unless the storage tank is equipped with either of the following:

36 1. A stage I vapor collection system consisting of a vapor-tight
37 return line from the storage tank or its vent to the gasoline transport
38 vehicle.

39 2. A properly installed on-site vapor control system connected to a
40 vapor collection system.

41 C. In an ozone nonattainment area designated as moderate, serious,
42 severe or extreme by the United States environmental protection agency under
43 section 107(d) of the clean air act, area A or other geographical area as
44 provided in subsection I OF THIS SECTION, an owner or operator of a gasoline
45 dispensing site shall not transfer or allow the transfer of gasoline into a
46 motor vehicle fuel tank at a gasoline dispensing site unless the gasoline

1 dispensing site is equipped with a stage II vapor collection system. This
2 subsection does not apply to gasoline dispensing sites with a throughput of
3 less than ten thousand gallons per month, or to a gasoline dispensing site
4 with a throughput of less than fifty thousand gallons per month in the case
5 of an independent small business marketer of gasoline as defined in section
6 324 of the clean air act or to a gasoline dispensing site that is located on
7 a manufacturer's proving ground. Beginning on January 1, 2001, this
8 subsection applies to gasoline dispensing sites that are located within area
9 A but outside the Phoenix area Maricopa county ozone nonattainment area as
10 defined in 40 Code of Federal Regulations section 81.303.

11 D. An owner or operator of a gasoline storage tank, gasoline transport
12 vehicle or gasoline dispensing site subject to stage I or stage II vapor
13 collection requirements shall comply with the following:

14 1. Install all necessary stage I and stage II vapor collection and
15 control systems and make any modifications necessary to comply with the
16 requirements.

17 2. Provide adequate training and written instructions to the operator
18 of the affected gasoline dispensing site and the gasoline transport vehicle.

19 3. Replace, repair or modify any worn or ineffective component or
20 design element to ensure the vapor-tight integrity and efficiency of the
21 stage I and stage II vapor collection systems.

22 4. Connect and ensure proper operation of the stage I and stage II
23 vapor collection systems whenever gasoline is being loaded, unloaded or
24 dispensed.

25 E. Before the initial installation or modification of any stage I or
26 stage II recovery system, the owner or operator of a gasoline storage tank,
27 gasoline transport vehicle or gasoline dispensing site shall obtain a plan
28 review and approval from the department. Application for the plan review and
29 approval shall be on forms prescribed and provided by the department.

30 F. The operator of each gasoline dispensing site using a stage II
31 vapor recovery system shall conspicuously post operating instructions for the
32 system in the gasoline or oxygenated fuel dispensing area. The instructions
33 shall clearly describe how to fuel vehicles correctly with the vapor recovery
34 nozzles used at the station and shall include a warning that topping off may
35 result in spillage or recirculation of gasoline or oxygenated fuel and is
36 prohibited.

37 G. The department of weights and measures in consultation with the
38 department of environmental quality and the state fire marshal shall
39 establish by rule standards for the installation and operation of stage I and
40 stage II vapor recovery systems. The department of weights and measures
41 shall establish by rule plan review and approval fees. In establishing those
42 rules and standards, the director shall consider requirements in other states
43 to assure that only state of the art technology is used.

44 H. Approval of a stage I or stage II vapor collection system by the
45 department does not relieve the owner or operator of the responsibility to

1 comply with other applicable statutes, codes and rules pertaining to fire
2 prevention, environmental quality and safety matters.

3 I. Any county, city or town outside an ozone nonattainment area
4 designated as moderate, serious or severe by the environmental protection
5 agency under section 107(d) of the clean air act or outside of area A as
6 defined in section 49-541 may require gasoline dispensing sites with a
7 throughput greater than ten thousand gallons per month or fifty thousand
8 gallons per month in the case of an independent small business marketer of
9 gasoline as defined in section 324 of the clean air act to install, operate
10 and maintain stage II vapor collection systems in accordance with this
11 section. For a county, city or town considering the adoption of a resolution
12 to require stage II vapor collection systems within its jurisdiction and on
13 request, the department of environmental quality shall provide technical
14 assistance in evaluating the air quality in that county, city or town and
15 shall provide final review and approval of an adopted resolution.

16 J. A county board of supervisors or governing body of a city or town
17 shall submit a resolution approved by the department of environmental quality
18 to the director of the department of weights and measures requesting the
19 imposition of the requirements for stage II vapor collection systems within
20 its jurisdiction.

21 K. The director shall adopt, by rule, compliance schedules for
22 gasoline dispensing sites located within the jurisdiction requesting stage
23 II vapor collection system requirements no later than twelve months after
24 receipt of the resolution from the county board of supervisors or governing
25 board of a city or town. All gasoline dispensing sites other than those that
26 are exempt pursuant to subsection C OF THIS SECTION shall be required to
27 comply with stage II vapor collection system rules within twenty-four months
28 after the rules have been filed with the secretary of state.

29 L. A county board of supervisors or governing body of a city or town
30 that adopts the requirements for stage II vapor collection systems may repeal
31 those requirements by adopting a resolution to remove the imposition of those
32 requirements within its jurisdiction unless the county, city or town is in
33 an ozone nonattainment area that has since been designated as moderate,
34 serious or severe by the United States environmental protection agency under
35 section 107(d) of the clean air act. On receipt of the resolution, the
36 director of the department of weights and measures shall consult with the
37 director of the department of environmental quality to verify that a county,
38 city or town is outside of an ozone nonattainment area designated as
39 moderate, serious or severe by the United States environmental protection
40 agency under section 107(d) of the clean air act. After consultation with
41 the department of environmental quality, the director of the department of
42 weights and measures shall revise the rules to repeal the requirements for
43 stage II vapor collection systems within that jurisdiction as soon as
44 practicable.

APPROVED BY THE GOVERNOR MAY 6, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.

Passed the House April 22, 2002,

Passed the Senate March 12, 2002,

by the following vote: 55 Ayes,

by the following vote: 27 Ayes,

0 Nays, 5 Not Voting

0 Nays, 3 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmine Bellefleur
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1131

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 30, 20 02,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

Randal Bryant
President of the Senate
Charmine Ballington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 20 02

at 12:48 o'clock P M.

Sandra Chan
Secretary to the Governor

Approved this 6th day of

May, 20 02,

at 3:46 o'clock P M.

Janice Lee Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 20 02,

at 3:13 o'clock P M.

Betsy Boyles
Secretary of State